

Notice of Allowability

Application No.

10/611,556

Examiner

Vickey Ronesi

Applicant(s)

SIMONOT ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 7/13/2006.
2. ☒ The allowed claim(s) is/are 1, 4-18, 21-33, 36-48 and 51-80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/5/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Edward Brown on 10/5/2006.

3. The application has been amended as follows:

IN THE SPECIFICATION:

Add the following sentence to the specification before line 5 on page 1: --This is a continuation of PCT application No. PCT/EP01/15165 (WO 2002/53634 A1), filed December 20, 2001.--

IN THE CLAIMS

In claim 9, line 1, replace "herein" with --wherein--.

Statement of Reasons for Allowance

4. The present claims are allowable over the closest prior art Wang et al (US 6,469,089), Visel (US 6,121,346), and Hashimoto et al (US 4,714,734) for the following reasons:

The present claims are drawn to a rubber composition, method of making said rubber composition, and a tire and tread made therefrom, wherein the composition comprises a diene

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elastomer, a coupling agent, and a reinforcing inorganic filler comprising more than 50 vol % of a silicon carbide having a BET surface area of between 20 and 200 m²/g and an average particle size of 10-350 nm.

Wang et al discloses a rubber composition comprising silicon carbide with a BET surface area of less than 100 m²/g, however, there is no disclosure or suggestion to use silicon carbide with a particle size of 10-350 nm. Wang et al's silicon carbide is not explicitly used as a reinforcing filler. Therefore, it is not obvious to utilize a reinforcing particle size of 10-100 nm as taught by Ciullo et al (from the book, *The Rubber Formulary*).

Visel et al discloses a rubber composition comprising an aggregated reinforcing filler comprising large and small particles, wherein silicon carbide with a diameter of 17-500 nm is used as the large particle. Visel et al does not disclose the BET surface area. While Visel et al discloses that the aggregated filler is a reinforcing filler, it does not teach or suggest that the large particle alone is a reinforcing filler. Hence, it is not obvious to utilize a reinforcing BET surface area like presently claimed as taught by Ciullo et al (from the book, *The Rubber Formulary*).

Hashimoto et al discloses a rubber composition and teaches that silicon carbide can be used as a filler, however, it fails to teach how and in what amount the silicon carbide is to be used or the particle diameter and BET surface area of the silicon carbide.

In light of the above and applicant's argument filed 7/13/2006, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/5/2006
Vickey Ronesi



Vasu Jagannathan
VASU JAGANNATHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700